

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PATRICK RYAN,
Plaintiff,

v.

INDEPENDENCE ASSOCIATES, INC.,
and CONSTANCE GALLANT,
Defendants.

C.A. No.: 04-11470 (MLW)

**JOINT MOTION TO CONTINUE ALTERNATIVE DISPUTE RESOLUTION
HEARING SCHEDULED FOR NOVEMBER 18, 2005 BEFORE
MAGISTRATE JUDGE ALEXANDER**

The parties to the above-entitled action respectfully move, on a joint basis, for a continuance of the Alternative Dispute Resolution Hearing schedule to take place on November 18, 2005 at 10:00 a.m. before Magistrate Judge Alexander. As grounds therefor, the parties state as follows:

- (1) At a status conference on July 28, 2005, the parties requested that Magistrate Judge Sorokin, the Magistrate Judge before whom this case is pending, refer this case to the Court's Alternative Dispute Resolution program for purposes of mediation. On that same day, Magistrate Judge Sorokin issued an Order of Referral for purposes of mediation.
- (2) On August 9, 2005, the parties received notice that a mediation had been scheduled for November 22, 2005 at 10:00 a.m. before Magistrate Judge Alexander.

- (3) On October 25, 2005, the parties received notice from the Court that the mediation had been re-scheduled from November 22, 2005 to November 18, 2005.
- (4) Counsel for both the plaintiff and the defendants have scheduling issues that would make it difficult for the parties to meet and resolve this matter on November 18th.
- (5) On November 1, 2005, counsel for the defendants spoke with Magistrate Judge Alexander's session clerk and was advised that Magistrate Judge Alexander is currently scheduling mediations for the month of January, 2006.
- (6) After speaking with their respective clients, counsel for the plaintiff and the defendants have agreed that the parties and their attorneys are available on the following dates: January 5th, 9th, 10th, 11th (morning only), 17th, 18th, and 19th.

WHEREFORE, the parties respectfully request that the mediation of this matter that is currently scheduled for November 18, 2005 be continued and rescheduled for one of the dates in January, 2006 identified above.

The Plaintiff,
Patrick Ryan,
By his Attorneys,

The Defendants,
Independence Associates, Inc.
and Constance Gallant,
By their Attorneys,

/s/ Paul F. Lorincz (with permission)
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